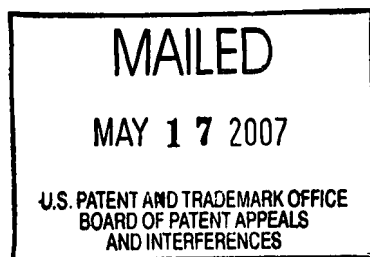


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL R. PEARSON, DAVID A. KUMPF
and GLENN G. CARCIDO

Application 09/680,069
Appeal No. 2007-0940

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 7, 2007. A docketing notice was mailed and Appeal No. 2007-0940 was assigned on February 1, 2007. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

Application 09/680,069
Appeal No. 2007-0940


On January 27, 2006, an Examiner's Answer was mailed. The Examiner's Answer included a new ground of rejection. However, when a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. See MPEP § 1207.02.

Accordingly, it is

ORDERED that the application is remanded to the examiner for:

- 1) vacating the Examiner's Answer mailed January 27, 2006, issuing a revised Examiner's Answer to include the approval of the Technology Center Director or his/her designee; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/gjh

Application 09/680,069
Appeal No. 2007-0940

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